

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 25, 2008

Signature:   
(Aaron S. Eckenthal)

1FW DAC  
Docket No.: IMCLON 3.3-070  
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:  
Chen et al.

Application No.: 10/564,267

Filed: January 9, 2006

For: Heterocyclic Compounds And  
Their Use As Anticancer Agents

: Confirmation No.: 8844  
:  
: Art Unit: 1625  
:  
: Examiner: Not Yet Assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.47(a)

Dear Sir:

The above captioned patent application names Xiaoling Chen, Hai-Ying He, Joel Kawakami, Alexander Kiselyov, Xiaohu Ouyang, Vatee Pattaropong, Evgueni Piatnitski, Maria Carolina Tuma and John Kincaid as co-inventors. Co-inventor Hai-Ying He has not executed the enclosed declaration.

Applicants therefore respectfully submit the following information and fees in support of a petition under 37 C.F.R. § 1.47(a) to go forward with the application without co-inventor Hai-Ying He's declaration:

1. Attachment A - DECLARATION OF AARON S. ECKENTHAL AND STATEMENT OF FACTS UNDER 37 C.F.R. § 1.47(A) that co-inventor Hai-Ying He could not be found or reached after diligent effort;
2. Attachment B - DECLARATION OF MARIA CAROLINA TUMA AND STATEMENT OF FACTS UNDER 37 C.F.R.

§ 1.47 that co-inventor Hai-Ying He could not be found or reached after diligent effort;

3. Charge Deposit Account No. 12-1095 the fee in the amount of \$130 as set forth in 37 C.F.R. § 1.17(h); and
4. The last known address at which co-inventor Hai-Ying He resided is-

3552 12th Avenue  
Brooklyn, NY 11218

In view of the foregoing, Applicants respectfully request that the petition under § 1.47(a) be granted.

In the event that any additional fees are due in connection with this Petition, the Commission is hereby authorized to charge Deposit Account No. 12-1095 therefore.

Dated: September 25, 2008

Respectfully submitted,

By 

Aaron S. Eckenthal

Registration No.: 58,891

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant



Docket No.: IMCLON 3.3-070  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: :  
Chen et al. :  
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Application No.: 10/564,267 : Confirmation No.: 8844  
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For: Heterocyclic Compounds And : Examiner: Not Yet Assigned  
Their Use As Anticancer Agents :

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF AARON S. ECKENTHAL

I, AARON S. ECKENTHAL, hereby declare as follows:

1. I am an associate with the law firm Lerner David Littenberg Krumholz & Mentlik, LLP and registered to practice before the United States Patent and Trademark Office, Registration No. 58,891. I am assisting in the prosecution of the captioned patent application ("the Application").

2. My declaration is made in support of Applicants' Petition to file the Declaration in the Application without the signature of Hai-Ying He because he could not be located after diligent efforts.

3. I have firsthand knowledge that diligent efforts were made to contact Hai-Ying He for his signature on the Declaration in the Application.

4. The Application was filed on July 9, 2004 naming nine joint inventors: Xiaoling Chen, Hai-Ying He, Joel Kawakami, Alexander Kiselyov, Xiaohu Ouyang, Vatee

Pattaropong, Evgueni Piatnitski, Maria Carolina Tuma and John Kincaid.

5. On April 18, 2008, Applicants' former counsel filed a declaration signed by the following inventors: Xiaoling Chen, Hai-Ying He, Joel Kawakami, Alexander Kiselyov, Xiaohu Ouyang, Vatee Pattaropong, Evgueni Piatnitski, Maria Carolina Tuma. (Exhibit A).

6. On August 25, 2008 a Notification of Defective Response was mailed to my firm. The notice indicated a response time of one month from the date of the Notification. It was determined that the oath sent in by the previous attorney was not legible. Specifically, names and addresses were not clear. Joel Kawakami's address was changed and hand written; Evgueni Piatnitski's name was changed to Eugene L. Piatnitski Checkler without documentation; and John Kincaids signature was not on the declaration. (Exhibit B). That declaration was executed by Hai-Ying He.

7. I have been unable to locate Hai-Ying He during the one month response time given in the Notification of Defective Response mailed on August 25, 2008.

8. I spoke with Maria Carolina Tuma, a co-inventor on the captioned Application, who advised me that Hai-Ying He had moved to China. Maria Carolina Tuma supplied me with Hai-Ying He's last known email address, which is haiying\_he@yahoo.com. I tried to contact Hai-Ying He at his last known email address with no success.

9. I also performed a search on whitepages.com, which yielded one entry for the name Hai-Ying He. (Exhibit C). It is unclear if this is the same Hai-Ying He listed as an

inventor in the Application. Nevertheless, I called the listed number and a recording advised that the number is disconnected.

10. In addition, I called general information (411) and was advised there is no listing for a Hai-Ying He at his last known address of 3552 12th Avenue, Brooklyn, NY 11218. In fact, the operator advised there is no listing for a Hai-Ying He in Brooklyn or the surrounding area.

11. Based on the foregoing, it is evident that Hai-Ying He cannot be found and as a result cannot sign the newly prepared Declaration in the Application.

12. I further declare that all statements made herein of my knowledge are true, except for those statements made on information and belief, which are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this declaration, the Application, and any patent resulting therefrom.

Dated: September 25, 2008

Respectfully submitted,

By 

Aaron S. Eckenthal

Registration No.: 58,891

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

# Attachment B

Docket No.: IMCLON 3.3-070  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	:
Chen et al.	:
Application No.: 10/564,267	: Confirmation No.: 8844
Filed: January 9, 2006	: Art Unit: 1625
For: Heterocyclic Compounds And	: Examiner: Not Yet Assigned
Their Use As Anticancer Agents	:

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.47

- I, MARIA CAROLINA TUMA, hereby declare as follows:
1. I am a Senior Scientist in the Department of Cell Biology at ImClone Systems Incorporated located at 180 Varick Street, New York, NY 10014 and one of the inventors of the captioned patent application.
  2. Hai-Ying He, a former employee at ImClone Systems Incorporated is also an inventor of the captioned application.
  3. The captioned application was filed July 9, 2004 and has the following nine joint inventors: Xiaoling Chen, Hai-Ying He, Joel Kawakami, Alexander Kiselyov, Xiaohu Ouyang, Vatee Pattarapong, Evgueni Platinitski, Maria Carolina Tuma and John Kincaid.
  4. On April 18, 2008 I executed a declaration in the captioned patent application. (Exhibit A).
  5. Subsequently, I was advised that a new declaration needed to be executed in the captioned patent application because it was determined, among other reasons, that the

Application No.: 10/564,267

Docket No.: IMCLON 3.3-070

original Declaration was not legible and John Kincaid, one of the inventors was not listed on the originally filed Declaration.

6. I, along with 7 of the other joint inventors in the captioned application signed a new Declaration.

7. I am unaware as to the whereabouts of Hai-Ying He, one of the joint inventors of the captioned application. I have contacted Xiaohu Ouyang, another joint inventor on the captioned application, to inquire as to the whereabouts of Hai-Ying He. Xiaohu Ouyang is the only joint inventor on the captioned application to have contact with Hai-Ying He after Hai-Ying He left ImClone Systems Incorporated. I was advised by Xiaohu Ouyang that Hai-Ying He had moved to China. Xiaohu Ouyang had no further contact information for Hai-Ying He.

8. I have made a diligent effort to contact Hai-Ying He at his last known email address, haiying\_he@yahoo.com, without any success. I also provided this email address to our attorney, Mr. Aaron S. Eckenthal, in the hopes that Mr. Eckenthal would be able to contact him.

9. Based on the foregoing, it is evident that Hai-Ying He cannot be found and as a result cannot sign the newly prepared Declaration in the captioned Application.

10. I further declare that all statements made herein of my own knowledge are true, except for those statements made on information and belief, which are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the declaration, the Application, and any patent resulting therefrom.

Dated:

09/25/08  
MARIA CAROLINA TUMA



# Exhibit A

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  
**HETEROCYCLIC COMPOUNDS AND THEIR USE AS ANTICANCER AGENTS**

the specification of which (check only one item below):

\_\_\_\_\_ is attached hereto.

  X   was filed as United States Application No. or as PCT International Application No. 10/564267 on January 9, 2006 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability of this application as defined by 37 CFR 1.56.

**FOREIGN AND DOMESTIC PRIORITY CLAIMS UNDER 35 USC 119  
AND PRIOR FOREIGN/PCT APPLICATIONS**

I hereby claim foreign or domestic priority benefits under 35 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY/APPLICATION NO. (if PCT, indicate "PCT")	DATE OF FILING (day/month/year)	PRIORITY CLAIMED UNDER 35 USC 119	
US 60/485,963	07/09/2003	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120**

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PCT/US APPLICATION NO.	PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
PCT/US2004/022226	07/09/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275  
Michael N. Mercanti, Registration No. 33,966  
Timothy D. Meade, Registration No. 55,449

Laurence Mamber, Registration No. 35,597  
Otho B. Ross, Registration No. 32,754  
Yaodong Chen, Registration No. L0267  
Hyun Soon Cho, Registration No. L0306

ADDRESS: Lucas & Mercanti, LLP  
475 Park Avenue South  
New York, NY 10016  
Tel: 212-661-8000  
Fax: 212-661-8002

CUSTOMER NO. 20311

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR IDENTIFICATION AND SIGNATURE

FULL NAME OF SOLE OR FIRST INVENTOR Xiaofeng CHEN

INVENTOR'S SIGNATURE [Signature]

DATE

4/15/08

RESIDENCE 1051 73rd Street, Brooklyn, NY 11228, US

CITIZENSHIP Canada

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SECOND INVENTOR Hai-Ying HE

INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

RESIDENCE 3552 12th Avenue, Brooklyn, NY 11218, US

CITIZENSHIP China

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF THIRD INVENTOR Jôel KAWAKAMI

INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

RESIDENCE 91 Morris Avenue, West Milford, NJ 07480, US

CITIZENSHIP United States

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF FOURTH INVENTOR Alexander KISELYOV

INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

RESIDENCE 4203 Shorepointe Way, San Diego, CA 92130, US

CITIZENSHIP Ukraine

POST OFFICE ADDRESS \_\_\_\_\_

Cont....YES [✓] NO [ ]

INVENTOR IDENTIFICATION AND SIGNATURE (Cont.)

FULL NAME OF FIFTH INVENTOR Xiaohu QUYANG  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
RESIDENCE 2802 Parsons Boulevard, Flushing, NY 11354, US CITIZENSHIP China  
POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SIXTH INVENTOR Varice PATTAROPONG  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
RESIDENCE 465 Saint Peter Drive, New Madrid, MO 63869, US CITIZENSHIP United States  
POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SEVENTH INVENTOR Evgueni PIATNITSKI  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
RESIDENCE 668 East 7th Street, Brooklyn, NY 11230, US CITIZENSHIP Russia  
POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF EIGHTH INVENTOR Maria Carolina TUMA  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
RESIDENCE 68 Hunt Lane, East Haven, CT 06512, US CITIZENSHIP Brazil  
POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF NINTH INVENTOR \_\_\_\_\_  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
RESIDENCE \_\_\_\_\_ CITIZENSHIP \_\_\_\_\_  
POST OFFICE ADDRESS \_\_\_\_\_

DOCKET NO. 1017.39276-US1

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**HETEROCYCLIC COMPOUNDS AND THEIR USE AS ANTICANCER AGENTS**

the specification of which (check only one item below):

☐ is attached hereto.

☒ was filed as United States Application No. or as PCT International Application No. 10/564267 on January 9, 2006 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability of this application as defined by 37 CFR 1.56.

FOREIGN AND DOMESTIC PRIORITY CLAIMS UNDER 35 USC 119  
AND PRIOR FOREIGN/PCT APPLICATIONS

I hereby claim foreign or domestic priority benefits under 35 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

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US 60/485,963	07/09/2003	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO

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		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Michael N. Mercanti, Registration No. 33,966  
Timothy D. Meade, Registration No. 55,449

Laurence H. Miller, Registration No. 35,597  
Orin B. Roca, Registration No. 32,754  
Yaodong Chen, Registration No. L0267  
Hyun Seon Cho, Registration No. L0306

ADDRESS: Lucas & Mercanti, LLP  
475 Park Avenue South  
New York, NY 10016  
Tel: 212-661-8000  
Fax: 212-661-8002

CUSTOMER NO. 20311

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INVENTOR IDENTIFICATION AND SIGNATURE

FULL NAME OF SOLE OR FIRST INVENTOR Xiaofeng CHEN

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE 1051 72nd Street, Brooklyn, NY 11228, US CITIZENSHIP Canada

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SECOND INVENTOR Hai-Yang HE

INVENTOR'S SIGNATURE Haoyang He DATE April 14, 2018

RESIDENCE 3552 12th Avenue, Brooklyn, NY 11218, US CITIZENSHIP China

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF THIRD INVENTOR Jose KAWAKAMI

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE 81 Morris Avenue, West Milford, NJ 07460, US CITIZENSHIP United States

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF FOURTH INVENTOR Alexander KOSELYOV

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE 4203 Shoppshire Way, San Diego, CA 92130, US CITIZENSHIP Ukraine

POST OFFICE ADDRESS \_\_\_\_\_

Conf. .... YES [ / ] NO [ ]

INVENTOR IDENTIFICATION AND SIGNATURE (Cont.)

FULL NAME OF FIFTH INVENTOR Xiaohu QIYANG

INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

RESIDENCE 2502 Parsons Boulevard, Flushing, NY 11354, US

CITIZENSHIP China

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SIXTH INVENTOR Vailee PATTAROPONG

INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

RESIDENCE 466 Saint Peter Drive, New Madrid, MO 63668, US

CITIZENSHIP United States

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FULL NAME OF SEVENTH INVENTOR Evgueni PIATNITSKI

INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

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CITIZENSHIP Russia

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INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

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CITIZENSHIP Brazil

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INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

RESIDENCE \_\_\_\_\_

CITIZENSHIP \_\_\_\_\_

POST OFFICE ADDRESS \_\_\_\_\_

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the specification of which (check only one item below):

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		<input type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO

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DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120**

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PCT/US APPLICATION NO.	PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
PCT/US2004/022226	07/09/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275  
Michael N. Mercanti, Registration No. 33,966  
Timothy D. Meade, Registration No. 55,449

Laurence Mamber, Registration No. 35,597  
Otto B. Ross, Registration No. 32,754  
Yaodong Chen, Registration No. L0267  
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ADDRESS: Lucas & Mercanti, LLP  
475 Park Avenue South  
New York, NY 10016  
Tel: 212-661-8000  
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CUSTOMER NO. 20311

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## INVENTOR IDENTIFICATION AND SIGNATURE

FULL NAME OF SOLE OR FIRST INVENTOR Xiaofeng CHEN

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE 1051 73rd Street, Brooklyn, NY 11228, US CITIZENSHIP Canada

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SECOND INVENTOR Ha-Ying HE

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE 3552 12th Avenue, Brooklyn, NY 11218, US CITIZENSHIP China

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF THIRD INVENTOR Jogi KAWAKAMI

INVENTOR'S SIGNATURE [Signature] DATE 4/12/08

RESIDENCE 6533 Hawaii Rd, Bldg. HAWAII, HI 96825 CITIZENSHIP United States

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF FOURTH INVENTOR Alexander KISELYOV

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE 4203 Shorepointe Way, San Diego, CA 92130, US CITIZENSHIP Ukraine

POST OFFICE ADDRESS \_\_\_\_\_

Cont....YES [✓] NO [ ]

INVENTOR IDENTIFICATION AND SIGNATURE (Cont.)

FULL NAME OF FIFTH INVENTOR Xiaohu QIYANG  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
RESIDENCE 2802 Persons Boulevard, Flushing, NY 11354, US CITIZENSHIP China  
POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SIXTH INVENTOR Velee PATTAROPONG  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
RESIDENCE 465 Saint Peter Drive, New Madrid, MO 63889, US CITIZENSHIP United States  
POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SEVENTH INVENTOR Evgueni PIATNITSKI  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
RESIDENCE 668 East 7th Street, Brooklyn, NY 11230, US CITIZENSHIP Russia  
POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF EIGHTH INVENTOR Maria Carolina TUMA  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
RESIDENCE 68 Hunt Lane, East Haven, CT 06512, US CITIZENSHIP Brazil  
POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF NINTH INVENTOR \_\_\_\_\_  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
RESIDENCE \_\_\_\_\_ CITIZENSHIP \_\_\_\_\_  
POST OFFICE ADDRESS \_\_\_\_\_

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  
**HETEROCYCLIC COMPOUNDS AND THEIR USE AS ANTICANCER AGENTS**

the specification of which (check only one item below):

\_\_\_\_\_ is attached hereto.

X was filed as United States Application No. or as PCT International Application No. 10/564267 on January 9, 2006 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

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**FOREIGN AND DOMESTIC PRIORITY CLAIMS UNDER 35 USC 119  
AND PRIOR FOREIGN/PCT APPLICATIONS**

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COUNTRY/APPLICATION NO. (if PCT, indicate "PCT")	DATE OF FILING (day/month/year)	PRIORITY CLAIMED UNDER 35 USC 119	
US 60/485,963	07/09/2003	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO

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DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120**

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PCT/US APPLICATION NO.	PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
PCT/US2004/022226	07/09/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275  
Michael N. Mercanti, Registration No. 33,966  
Timothy D. Meade, Registration No. 55,449

Laurence Mamber, Registration No. 35,597  
Otto B. Ross, Registration No. 32,754  
Yaodong Chen, Registration No. L0267  
Hyun Soon Cho, Registration No. L0306

ADDRESS: Lucas & Mercanti, LLP  
475 Park Avenue South  
New York, NY 10016  
Tel: 212-661-8000  
Fax: 212-661-8002

CUSTOMER NO. 20311

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## INVENTOR IDENTIFICATION AND SIGNATURE

FULL NAME OF SOLE OR FIRST INVENTOR Xiaoling CHEN

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE 1051 73rd Street, Brooklyn, NY 11228, US CITIZENSHIP Canada

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SECOND INVENTOR Hal-Ying HE

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE 3552 12th Avenue, Brooklyn, NY 11218, US CITIZENSHIP China

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF THIRD INVENTOR Joel KAWAKAMI

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE 91 Morris Avenue, West Milford, NJ 07480, US CITIZENSHIP United States

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF FOURTH INVENTOR Alexander KISELYOV

INVENTOR'S SIGNATURE [Signature] DATE 04/13/2008

RESIDENCE 4203 Shorepointe Way, San Diego, CA 92130, US CITIZENSHIP Ukraine V.S.A. ASK

POST OFFICE ADDRESS \_\_\_\_\_

Cont....YES [✓] NO [ ]

INVENTOR IDENTIFICATION AND SIGNATURE (Cont.)

FULL NAME OF FIFTH INVENTOR Xiaohu OUYANG  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
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POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SIXTH INVENTOR Valee PATTAROPONG  
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the specification of which (check only one item below):

\_\_\_\_\_ is attached hereto.

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PCT/US2004/022226	07/09/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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RESIDENCE 4203 Shorepointe Way, San Diego, CA 92130, US CITIZENSHIP Ukraine

POST OFFICE ADDRESS \_\_\_\_\_

Cont....YES [✓] NO [ ]

INVENTOR IDENTIFICATION AND SIGNATURE (Cont.)

FULL NAME OF FIFTH INVENTOR Xiaohu QIYANG  
 INVENTOR'S SIGNATURE [Signature] DATE 4-11-2008  
 RESIDENCE 2802 Persons Boulevard, Flushing, NY 11354, US CITIZENSHIP China  
 POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SIXTH INVENTOR Vatas PATTAROPONG  
 INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
 RESIDENCE 466 Saint Peter Drive, New Madrid, MO 63859, US CITIZENSHIP United States  
 POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SEVENTH INVENTOR Evgenii PIATNITSKI  
 INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
 RESIDENCE 858 East 7th Street, Brooklyn, NY 11230, US CITIZENSHIP Russia  
 POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF EIGHTH INVENTOR Maria Carolina TUMA  
 INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
 RESIDENCE 68 Hunt Lane, East Haven, CT 06512, US CITIZENSHIP Brazil  
 POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF NINTH INVENTOR \_\_\_\_\_  
 INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
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FULL NAME OF THIRD INVENTOR Joel KAWAKAMI

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RESIDENCE 4203 Shorepointe Way, San Diego, CA 92130, US CITIZENSHIP Ukraine

POST OFFICE ADDRESS \_\_\_\_\_

Cont....YES [✓] NO [ ]

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FULL NAME OF FIFTH INVENTOR Xiaohu OUYANG  
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FULL NAME OF SIXTH INVENTOR Valee PATTAROPONG  
INVENTOR'S SIGNATURE Valee Pattaropong DATE 4-11-2008  
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FULL NAME OF SEVENTH INVENTOR Evgueni PIATNITSKI  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
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FULL NAME OF NINTH INVENTOR \_\_\_\_\_  
INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
RESIDENCE \_\_\_\_\_ CITIZENSHIP \_\_\_\_\_  
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DOCKET NO. 1017.39276-US1

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DATE \_\_\_\_\_

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 POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SEVENTH INVENTOR EUGENE L. PIATNITSKI CHEKLER  
 INVENTOR'S SIGNATURE E. Piatnitski DATE 04/10/2008  
 RESIDENCE 3000 VALLEY FORGE CIRCLE, APT. 845 CITIZENSHIP U.S.A  
 POST OFFICE ADDRESS KING OF PRUSSIA, PA 19406

FULL NAME OF EIGHTH INVENTOR Maria Carolina TUMA  
 INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
 RESIDENCE 68 Hunt Lane, East Haven, CT 06512, US CITIZENSHIP Brazil  
 POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF NINTH INVENTOR \_\_\_\_\_  
 INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
 RESIDENCE \_\_\_\_\_ CITIZENSHIP \_\_\_\_\_  
 POST OFFICE ADDRESS \_\_\_\_\_

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**HETEROCYCLIC COMPOUNDS AND THEIR USE AS ANTICANCER AGENTS**

the specification of which (check only one item below):

\_\_\_\_\_ is attached hereto.

  X   was filed as United States Application No. or as PCT International Application No. 10/564267 on January 9, 2006 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability of this application as defined by 37 CFR 1.56.

**FOREIGN AND DOMESTIC PRIORITY CLAIMS UNDER 35 USC 119  
AND PRIOR FOREIGN/PCT APPLICATIONS**

I hereby claim foreign or domestic priority benefits under 35 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY/APPLICATION NO. (if PCT, indicate "PCT")	DATE OF FILING (day/month/year)	PRIORITY CLAIMED UNDER 35 USC 119	
US 60/485,963	07/09/2003	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120**

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PCT/US APPLICATION NO.	PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
PCT/US2004/022226	07/09/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith and to receive all correspondence in connection with this application:

Donald C. Lucas, Registration No. 31,275  
Michael N. Mercanti, Registration No. 33,966  
Timothy D. Meade, Registration No. 55,449

Laurence Manber, Registration No. 35,597  
Otho B. Ross, Registration No. 32,754  
Yaodong Chen, Registration No. L0267  
Hyun Soon Cho, Registration No. L0306

ADDRESS: Lucas & Mercanti, LLP  
475 Park Avenue South  
New York, NY 10016  
Tel: 212-661-8000  
Fax: 212-661-8002

CUSTOMER NO. 20311

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR IDENTIFICATION AND SIGNATURE

FULL NAME OF SOLE OR FIRST INVENTOR Xiaoling CHEN

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RESIDENCE 1051 73rd Street, Brooklyn, NY 11228, US

CITIZENSHIP Canada

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SECOND INVENTOR Hai-Ying HE

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

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POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF THIRD INVENTOR Joel KAWAKAMI

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

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CITIZENSHIP United States

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF FOURTH INVENTOR Alexander KISELYOV

INVENTOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

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CITIZENSHIP Ukraine

POST OFFICE ADDRESS \_\_\_\_\_

Cont....YES [✓] NO [ ]



INVENTOR IDENTIFICATION AND SIGNATURE (Cont.)

FULL NAME OF FIFTH INVENTOR Xiaohu OUYANG

INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

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POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SIXTH INVENTOR Vatee PATTAROPONG

INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

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CITIZENSHIP United States

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SEVENTH INVENTOR Evgueni PIATNITSKI

INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

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CITIZENSHIP Russia

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF EIGHTH INVENTOR Maria Carolina TUMA

INVENTOR'S SIGNATURE *M. Carolina*

DATE 4/18/18

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CITIZENSHIP Brazil

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF NINTH INVENTOR \_\_\_\_\_

INVENTOR'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

RESIDENCE \_\_\_\_\_

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# Exhibit B



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

RUE

Incl 33-070

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/564,267	Xiaoling CHEN	11245/49902

77405

IMCLON

Lerner, David, Littenberg, Krumholz & Mentlik, LLP  
600 South Avenue West  
Westfield, NJ 07090

INTERNATIONAL APPLICATION NO.

PCT/US2004/022226

I.A. FILING DATE	PRIORITY DATE
07/09/2004	07/09/2003

CONFIRMATION NO. 8844  
371 FORMALITIES LETTER



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Due  
25 SE 2008  
AJK

Date Mailed: 08/25/2008

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 01/09/2006
- Copy of the International Search Report filed on 01/09/2006
- Oath or Declaration filed on 04/18/2008
- Request for Immediate Examination filed on 01/09/2006
- U.S. Basic National Fees filed on 01/09/2006
- Priority Documents filed on 01/09/2006
- Specification filed on 01/09/2006
- Claims filed on 01/09/2006
- Abstracts filed on 01/09/2006

Applicant's response filed 04/18/2008 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 11/21/2007 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - The oath sent in is not legible. Names and addresses are not clear. Joel Kawakami's address was changed and hand written. Evgueni Piantnitski's name has changed to Eugene L. Piatnitski Chekler without documentation. John Kincaids signature is not on the declaration.

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

LDLK&amp;M

AUG 27 2008

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Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
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**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

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# Exhibit C

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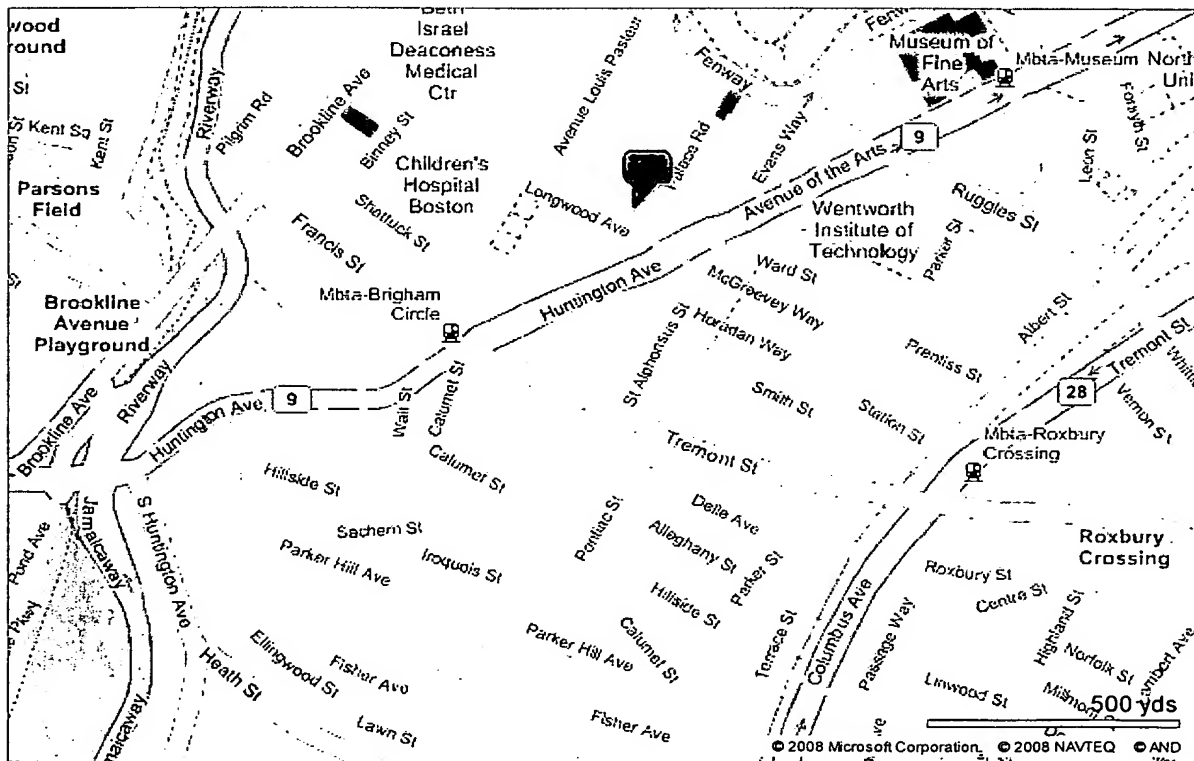
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